

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

ORIGINAL ORIGINAL
FILE / RECEIVED
JUN 5 1992

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
The Use of N11 Codes and Other)
Abbreviated Dialing Arrangements)
_____)

CC Docket No. 92-105

COMMENTS OF
SPRINT CORPORATION

Norina T. Moy

Jay C. Keithley
Leon M. Kestenbaum
1850 M St., N.W., Suite 1110
Washington, D.C. 20036
(202) 857-1030

W. Richard Morris
P.O. Box 11314
Kansas City, Mo. 64112
(913) 624-3096

Its Analyst

Its Attorneys

June 5, 1992

No. of Copies rec'd
List A B C D E

0+6

Table of Contents

Summary	ii
I. BACKGROUND	2
II. N11 CODES SHOULD NOT BE ALLOCATED FOR ABBREVIATED DIALING APPLICATIONS THAT ARE NOT STANDARD NATIONWIDE	4
III. THE ALLOCATION AND USE OF NANP RESOURCES ARE CONSIDERED IN MULTIPLE VENUES AND ARE SUBJECT TO VARYING STANDARDS AND GUIDELINES	8

Summary

While Sprint Corporation supports the Commission's decision to investigate the use of scarce NANP (North American Numbering Plan) resources such as N11 codes, it opposes the use of N11 codes to provide access to additional services through abbreviated dialing. There are far too few available N11 codes, and there is sufficiently great potential for customer confusion and for access charge arbitrage, to allow these codes to be used for abbreviated dialing. However, if, contrary to Sprint's recommendation, the Commission decides to mandate the use of N11 codes for abbreviated dialing, it must also mandate the development, adoption, implementation and enforcement of a set of clearly defined guidelines which will help to ensure that scarce codes are allocated in a reasonable and nondiscriminatory manner.

Furthermore, the Commission should consider allocation of NANP resources generally. Today, decisions about the use of these resources have been made in several different industry and regulatory venues, and have been made using different and generally undefined criteria. In order to minimize the opportunity for arbitrary and possibly discriminatory decisions regarding allocation of NANP resources, the Commission should encourage the consolidation of NANP resource requests under a single venue, and promote the design and application of consistent and reasonable standards and guidelines to govern consideration of such requests.

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

RECEIVED
JUN 25 1992
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
The Use of N11 Codes and Other)
Abbreviated Dialing Arrangements)
)

CC Docket No. 92-105

COMMENTS

Sprint Corporation, on behalf of Sprint Communications Company LP and the United Telephone companies, hereby respectfully submits its comments on proposed changes to the Rules that would require local exchange carriers to provide abbreviated dialing arrangements. While Sprint supports the Commission's decision to investigate the use of scarce NANP (North American Numbering Plan) resources such as N11 codes, it opposes the use of N11 codes to provide access to additional services through abbreviated dialing. There are far too few available N11 codes, and there is sufficiently great potential for customer confusion and for access charge arbitrage, to allow these codes to be used for abbreviated dialing. However, if, contrary to Sprint's recommendation, the Commission decides to mandate the use of N11 codes for abbreviated dialing, it must also mandate the development, adoption, implementation and enforcement of a set of clearly defined guidelines which will help to ensure that scarce codes are allocated in a reasonable and nondiscriminatory manner.

I. BACKGROUND.

In the above-captioned Notice of Proposed Rulemaking, released May 6, 1992, the Commission has solicited comments regarding the allocation and use of currently unassigned N11 codes¹ for abbreviated dialing, and the feasibility of alternative abbreviated dialing arrangements. This NPRM arose from a BellSouth Petition for Rulemaking² regarding the allocation and use of an N11 code to access a local pay-per call information service offered by Cox Enterprises, Inc.³ The Commission has tentatively concluded that the four to six codes at issue here should be made available for abbreviated dialing, but that if such codes are needed to relieve NPA exhaust or as additional service access codes (SACs), their use may be revoked on an as-yet unspecified number of days notice.

As the Commission has recognized (NPRM, para. 3), the decision about whether to make N11 codes available for

¹Four codes (211, 311, 511 and 711) are apparently not used at all, while two codes (611 and 811) are used by some LECs for repair and business office services.

²BellSouth Petition for Expedited Declaratory Ruling on Use of "N11" Codes for Provision of Local Information Services, filed March 6, 1992.

³The Commission's General Counsel informed BellSouth that "there appears to be no regulatory or legal impediment prohibiting BellSouth from currently assigning N11 codes in a reasonable, non-discriminatory manner, i.e., such as the use of first-come, first-serve procedures" (NPRM, n. 1). The General Counsel also noted that any N11 number assignment "would be subject to the outcome of any rules...adopt[ed] in this rulemaking proceeding, and thus parties accept such number assignments at their risk" (id.).

abbreviated dialing raises important public policy issues. It is likely that demand for N11 codes will quickly exceed supply.⁴ N11 codes and other NANP resources are expected to be in increasing demand because of the surge in both existing and new telecommunications applications (Centrex, fax, pager, cellular services, PCS/PCN, and abbreviated dialing for information services, to name only a few), and because N11 codes are easy to remember and use. However, these codes are an extremely scarce numbering resource. Citing the impending exhaustion of NPAs in the NO/1X format (which could necessitate the reclaiming of N11 codes for national use), Bellcore, as NANP administrator, has discouraged the assignment of N11 codes for nontraditional uses such as Cox's information service, and has been reluctant to sanction the allocation of NANP resources generally for new service offerings by non-LECs. Thus, the Commission must balance the potentially competing goals of ensuring adequate numbering resources to satisfy traditional needs, and encouraging new services and enhanced usage of the LECs' networks, while protecting against unauthorized avoidance of LEC access charges by non-enhanced service providers.⁵

⁴The United Telephone companies have already received two requests for the assignment of N11 codes for all United Telephone exchanges. These requests do not specify the use for which the abbreviated dialing codes would be employed.

⁵While the BellSouth/Cox request which prompted the instant NPRM involves access for "local pay per call type information services," the proposed Rules do not contain any
(Footnote Continued)

Even if N11 codes are not needed immediately to relieve geographic NPA code exhaustion, the Commission must consider how these codes and NANP resources generally can be allocated among non-traditional (i.e., for use other than as an NPA or service access code) services in an equitable manner. Today, decisions about the use of these resources have been made in several different industry and regulatory venues. This means that the merits of service requests are evaluated by different entities applying different and generally undefined standards, leaving some parties with the belief, whether warranted or not, that management of national resources is arbitrary and possibly discriminatory. In order to counter this situation, the Commission should provide the industry with firm guidance on how NANP resource allocation should be effected.

II. N11 CODES SHOULD NOT BE ALLOCATED FOR ABBREVIATED DIALING APPLICATIONS THAT ARE NOT STANDARD NATIONWIDE.

Because of the very limited scope of the available N11 resource, Sprint believes that assignment of the four or six available N11 codes for abbreviated dialing purposes to any party is inappropriate. There are, at most, six currently unassigned N11 codes. The scarcity of available codes makes it a virtual certainty that demand will outstrip supply.⁶

(Footnote Continued)
limitation on what type of user may request N11 codes. Thus, N11 abbreviated dialing could be used to provide access to interLATA toll providers or to end users.

⁶It appears that demand for abbreviated dialing codes cannot, at this time, be satisfied practically through use of
(Footnote Continued)

Although the Commission has not prohibited LECs from allocating N11 codes on a "first come, first served" basis, Sprint does not support such an allocation mechanism. Assignment in this manner would be unfair to those service providers that awaited the outcome of this proceeding before seeking authority to use a N11 code, or that investigated use of these codes in the past and were dissuaded or prohibited from using such codes. Indeed, the race for N11 codes has begun even before it is certain that the resource will be made available. As noted above, the United Telephone companies have already received requests for the use of specified N11 codes in all United exchanges, for undisclosed purposes, by two business entities. At this point, it is not clear whether these codes have been requested for productive purposes, for use as a marketable asset, or for strategic competitive reasons (i.e., simply to block other parties from obtaining and using these codes).

(Footnote Continued)
alternative abbreviated dialing codes, such as "*" or "#" codes, for several reasons. First, "*" and "#" usage cannot be billed properly. Second, there are technical impediments (lack of universal touchtone service, and switch limitations) which prevent general use of "*" and "#" codes. Because "*" and "#" are now set up within LEC switches to send only signals involving custom calling features, other LEC switch-dependent uses of these symbols have not been deployed. Third, expansion of abbreviated dialing plans involving "*" and "#" is inappropriate without industry consensus on the use of these dialing formats as part of the NANP. Finally, expanded use of "*" and "#" codes for abbreviated dialing would be premature given the lack of any economic analysis of the relative costs and benefits of such expansion.

Besides the problem of N11 code scarcity, assignment of N11 codes for abbreviated dialing to access local information services could result in some customer confusion. First of all, many customers associate N11 codes with specific services. Those N11 codes that have been placed in service by LECs--411 for information, 911 for emergency, 811 for business office and 611 for repair--have been offered for standard purposes across the country. End users have become accustomed to this nationwide uniformity and have appreciated the convenience of calling 411 and 911 as they move about the country. Assignment of 411, 611, 811 or 911 for purposes other than those for which the codes are now used would cause significant customer confusion. The continued use of these codes for their previously identified purposes is appropriate and an efficient use of the numbering resource.

Furthermore, nationwide uniformity in 411 and 911 (and, to a lesser extent, 611 and 811) codes have caused end users to expect nearly nationwide access to standard services through the use of other N11 codes as well. The assignment of the remaining N11 codes (211, 311, 511 and 711) for abbreviated dialing, on a non-universal basis, could cause customer confusion as users traveled across the country and attempted to use these codes to reach what they expected would be another nationwide service.

Finally, use of currently unassigned N11 codes for abbreviated dialing could pose a threat to LEC access revenues. While N11 codes can be accommodated in LEC switches without significant upgrades, N11 billing is a different matter. N11

billing on other than a flat-rated basis would require significant software development, as switch vendors have confirmed. Thus, making unassigned N11 codes available for abbreviated dialing could present interexchange carriers and other parties with an inappropriate arbitrage opportunity as regards both local measured service and access charges. For example, some parties might attempt to order abbreviated dialing as a local service as a means of avoiding more expensive access service. Moreover, because usage measurement of abbreviated dialing services is not now possible, even an access charge-based abbreviated dialing service would need to be flat-rated, reflecting surrogate minutes of use. Even if no arbitrage is intended, a flat rate for access-based abbreviated dialing service would cause IXC's to pay for surrogate rather than actual usage, and would result in either over- or under-compensation for the dialing resource consumed.

If, despite the problems discussed above and contrary to Sprint's recommendation, the Commission allows the use of N11 codes for abbreviated dialing, it must prescribe specific guidelines to govern the allocation and use of these codes. The Commission's proposal to allow LEC's "to select any reasonable...mechanism" (NPRM, para. 16) to allocate the limited number of N11 codes among potential assignees is excessively vague and should not be adopted. Choice of "any reasonable mechanism" is open to each LEC's individual interpretation and could easily result in different standards being applied in different jurisdictions. While none of the allocation methodologies referenced in the NPRM--"first come, first served";

lottery; auction; or "innovator's preference"⁷--is entirely satisfactory,⁸ whatever methodology is adopted must be consistent for all LECs and must employ, to the extent possible, an objective set of criteria to prevent manipulation or discriminatory allocation of such scarce national resources.

III. THE ALLOCATION AND USE OF NANP RESOURCES ARE CONSIDERED IN MULTIPLE VENUES AND ARE SUBJECT TO VARYING STANDARDS AND GUIDELINES.

Presently, there is no single, non-partisan entity that has assumed active and overall responsibility for determining the reasonable allocation and use of N11 codes and other NANP resources, for purposes other than as an NPA or service access code. Requests and suggestions for new uses of NANP resources have been considered by several different bodies, including the FCC; industry fora such as the Information Industry Liaison Committee (IILC), the Industry Carrier Compatibility

⁷The Commission has requested comment on whether LECs "should be permitted to grant a preference to parties that propose innovative ways of using the telephone company's network" (NPRM, para. 16).

⁸For example, auctions favor companies with the greatest financial resources, and subjective evaluations by a LEC about whether a service offering constitutes an "innovative" use of the LEC network gives LECs unwarranted control over a public resource and presents the opportunity for inconsistent and possibly discriminatory treatment.

Forum (ICCF), and the Carrier Liaison Committee (CLC);⁹ and Bellcore in its role as NANP administrator.¹⁰

The multiplicity of venues has resulted in the uneven treatment of NANP resource requests and the application of at least potentially different (and almost always unspecified) standards to evaluate these requests. For example, when the BOCs requested that an ANI information digit pair (ANI II) be assigned to identify a number which has been translated in the RBOC/GTE 800 data base from the 800 to POTS number, Bellcore handled such request promptly (it assigned the ANI II pair "24") and outside the industry forum process. In contrast, when non-LECs have made similar requests for ANI II assignments, Bellcore directed such requests to the ICCF, where the requests (ICCF issues 212 and 218) remained open for approximately a year and were ultimately withdrawn without being resolved. Similarly, ESP requests for a uniform access number have been before the ILLC (the venue which parties were encouraged to use to resolve ONA-related issues; see, e.g.,

⁹For example, ESP requests for a uniform access number (a single nationwide line side number that would route a call to a specified ESP location) were brought before the IILC, and IXC requests for ANI information digit pair assignments were brought before the ICCF.

¹⁰For example, IXC requests for interchangeable NPAs (to be used to route inbound ISDN traffic from a foreign administration to a specific IXC's network) were presented to the NANP administrator; and Bellcore recently solicited comments on its proposal regarding the allocation, assignment, use and future expansion of NANP resources ("North American Numbering Plan Administrator's Proposal On the Future of Numbering in World Zone 1," Bellcore IL 92/01-013).

Filing and Review of ONA Plans, 4 FCC Rcd 1, 33 (1989)) since February 23, 1989, without operational resolution (i.e., uniform dialing access remains unavailable for the indefinite future).¹¹ Cox, however, was able to gain approval for the assignment of an N11 code for abbreviated dialing, within eight months of its request, by working outside the forum process. It is apparent that NANP resource requests are handled differently (in terms of both time and outcome), depending at least in part upon which party submits a request and which entity considers the request.

In an attempt to improve the processes for handling NANP resource requests, and to enable the industry to monitor the assignment and use of NANP resources on a comprehensive basis, Sprint Communications (the long distance division) recently requested that the Carrier Liaison Committee investigate the issue of NANP resource management. Sprint urged the CLC to investigate how NANP resources are assigned and used; consider whether consolidating NANP resource assignment under one industry organization would be beneficial; and recommend a single, consistent set of guidelines to apply to all users.

¹¹This issue is in the final stages of closure. The IILC has recommended that uniform access numbers be made available when an appropriate ISDN platform is in place (at some unspecified future date) and relevant demand and costing issues have been resolved. Although N11 numbering was one of the alternatives considered, its use was discouraged because of the limited availability of N11 codes and the need for LEC switch modifications to enable ESPs to use such dialing arrangements.

As Sprint's CLC request demonstrates, there are inefficiencies in the present system of NANP resource management. Therefore, the Commission should, as a neutral public policy-making body, use the instant proceeding to provide firm guidance to the industry on the design and implementation of principles and safeguards that will ensure that public numbering resources, including N11 codes, are assigned in a nondiscriminatory and otherwise reasonable manner, and are used for purposes which promote the public interest.

* * * * *


For the reasons cited above, the Commission should not adopt the proposal to make currently unassigned N11 codes available for abbreviated dialing. In addition, the Commission should encourage the consolidation of NANP resource requests under a single venue, and promote the design and

application of consistent and reasonable standards and guidelines to govern consideration of such requests.

Respectfully submitted,

SPRINT CORPORATION


Norina T. Moy


Jay C. Keithley
Leon M. Kestenbaum
1850 M St., N.W., Suite 1110
Washington, D.C. 20036
(202) 857-1030

W. Richard Morris
P.O. Box 11314
Kansas City, Mo. 64112
(913) 624-3096

Its Analyst

Its Attorneys

June 5, 1992

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing "Comments" of Sprint Corporation have been sent via first-class mail, postage prepaid, on this the 5th day of June, 1992, to the below-listed parties:

Cheryl Tritt, Chief*
Common Carrier Bureau
Federal Communications
Commission
1919 M Street, N.W., #500
Washington, D.C. 20554

Peyton Wynns
Chief, Industry Analysis
Federal Communications
Commission
1250 23rd Street, N.W.
Washington, D.C. 20554

Downtown Copy Center*
1919 M Street, N.W., #246
Washington, D.C. 20554



Ruth Goddard

June 5, 1992

*BY HAND